

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Brian Nowakowski
Lynelle R. Nowakowski
Debtor(s)**

Bankruptcy Case No.: 20-10139-TPA
Per June 16, 2020 Proceeding
Chapter: 13
Docket No.: 30 - 17
Concil. Conf.: 9/1/20 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(I.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 3, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on 9/1/20 at 10:30 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: M&T Bank (Claim No. 17).
- H. Additional Terms: PA State Employees (Claim No. 7-2) governs as to amount at the modified terms of the plan with a payment of \$ 359.00.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

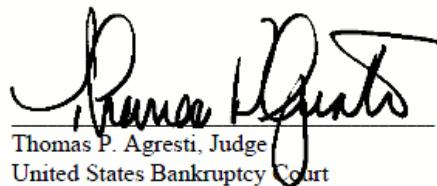
C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: June 25, 2020



Thomas P. Agresti, Judge
United States Bankruptcy Court

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Brian Nowakowski
 Lynelle R. Nowakowski
 Debtors

Case No. 20-10139-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 47

Date Rcvd: Jun 25, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 27, 2020.

db +Brian Nowakowski, 423 Lowery Road, Erie, PA 16511-1330
 jdb +#+Lynelle R. Nowakowski, 423 Lowery Road, Erie, PA 16511-1330
 15203550 +Auto Use, 45 Haverhill St, Andover, MA 01810-1499
 15203551 +Auto Use, Attn: Bankruptcy, 45 Haverhill St, Andover, MA 01810-1499
 15203552 +Capital One, Po Box 703, Wood Dale, IL 60191-0703
 15203560 +Collection Service Center, Inc., Pob 560, New Kensington, PA 15068-0560
 15203566 +First Federal Credit Control, 24700 Chagrin Blvd, Cleveland, OH 44122-5662
 15203567 +First Federal Credit Control, Attn: Bankruptcy, 24700 Chagrin Blvd, Ste 205, Cleveland, OH 44122-5662
 15215081 +FlexShopper, LLC, 901 Yamato Road, Suite 260, Boca Raton, FL 33431-4497
 15226947 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 15203574 +Mariner Finance, LLC, 8211 Town Center Dr, Nottingham, MD 21236-5904
 15203575 +Mariner Finance, LLC, Attn: Bankruptcy, 8211 Town Center Drive, Nottingham, MD 21236-5904
 15230914 +Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
 15203579 +P S E C U, P.o. Box 1006, Harrisburg, PA 17108-1006
 15236635 +Penelec, 101 Crawford's Corner Rd Bldg #1, Suite 1-511, Holmdel NJ 07733-1976
 15232205 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 15229881 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 26 2020 03:49:36
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15203553 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 26 2020 03:50:01 Capital One, Po Box 30281, Salt Lake City, UT 84130-0281
 15203555 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 26 2020 03:49:31 Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 15211015 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 26 2020 03:50:01 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
 15204902 +E-mail/Text: bankruptcy@cavps.com Jun 26 2020 03:48:24 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 15203561 +E-mail/Text: bankruptcy@firstenergycorp.com Jun 26 2020 03:48:11 Collection Service Center, Inc., Attn: Bankruptcy, 839 5th Ave., New Kensington, PA 15068-6303
 15203563 +E-mail/Text: bankruptcy@scccompanies.com Jun 26 2020 03:48:52 Country Door/Swiss Colony, Attn:Bankruptcy, 1112 Seventh Ave, Monroe, WI 53566-1364
 15203562 +E-mail/Text: bankruptcy@scccompanies.com Jun 26 2020 03:48:52 Country Door/Swiss Colony, 1112 7th Ave, Monroe, WI 53566-1364
 15203564 E-mail/Text: mrdiscen@discover.com Jun 26 2020 03:47:31 Discover Financial, Pob 15316, Wilmington, DE 19850
 15207189 E-mail/Text: mrdiscen@discover.com Jun 26 2020 03:47:31 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15203565 +E-mail/Text: mrdiscen@discover.com Jun 26 2020 03:47:31 Discover Financial, Attn: Bankruptcy, Po Box 3025, New Albany, OH 43054-3025
 15203569 +E-mail/Text: GenesisFS@ebn.phinsolutions.com Jun 26 2020 03:48:51 Genesis Bc/Celtic Bank, Attn: Bankruptcy, Po Box 4477, Beaverton, OR 97076-4401
 15203568 +E-mail/Text: GenesisFS@ebn.phinsolutions.com Jun 26 2020 03:48:51 Genesis Bc/Celtic Bank, Po Box 4499, Beaverton, OR 97076-4499
 15227652 E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 26 2020 03:48:20 Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
 15203570 E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 26 2020 03:48:20 Jefferson Capital Systems, LLC, 16 Mcleland Rd, Saint Cloud, MN 56303
 15203571 E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 26 2020 03:48:20 Jefferson Capital Systems, LLC, Attn: Bankruptcy, 16 Mcleland Road, Saint Cloud, MN 56303
 15203559 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jun 26 2020 03:50:29 Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850
 15203558 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jun 26 2020 03:49:26 Chase Card Services, Po Box 15369, Wilmington, DE 19850
 15203573 E-mail/Text: camanagement@mtb.com Jun 26 2020 03:47:42 M & T Bank, Attn: Bankruptcy, Po Box 844, Buffalo, NY 14240
 15203572 E-mail/Text: camanagement@mtb.com Jun 26 2020 03:47:42 M & T Bank, Po Box 900, Millsboro, DE 19966
 15235620 E-mail/Text: camanagement@mtb.com Jun 26 2020 03:47:42 M&T Bank, PO Box 840, Buffalo, NY 14240
 15203576 +E-mail/Text: bankruptcy@scccompanies.com Jun 26 2020 03:48:52 Midnight Velvet, 1112 7th Ave, Monroe, WI 53566-1364
 15203577 +E-mail/Text: bankruptcy@scccompanies.com Jun 26 2020 03:48:52 Midnight Velvet, Attn: Bankruptcy, 1112 7th Avenue, Monroe, WI 53566-1364
 15203580 +E-mail/Text: bankruptcynotices@psecu.com Jun 26 2020 03:48:36 P S E C U, Attention: Bankruptcy, Po Box 67013, Harrisburg, PA 17106-7013

District/off: 0315-1

User: jmar
Form ID: 149

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Total Noticed: 47

Date Rcvd: Jun 25, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

15203581 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 26 2020 03:50:06
Portfolio Recovery, 120 Corporate Blvd Ste 100, Norfolk, VA 23502
15203582 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 26 2020 03:50:41
Portfolio Recovery, Attn: Bankruptcy, 120 Corporate Blvd, Norfolk, VA 23502
15222785 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 26 2020 03:50:41
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15224542 +E-mail/Text: bankruptcynotices@psecu.com Jun 26 2020 03:48:36 PSECU, PO BOX 67013,
HARRISBURG, PA 17106-7013
15229461 E-mail/Text: bnc-quantum@quantum3group.com Jun 26 2020 03:47:50
Quantum3 Group LLC as agent for, Genesis FS Card Services Inc, PO Box 788,
Kirkland, WA 98083-0788
15203723 +E-mail/PDF: gecsed@recoverycorp.com Jun 26 2020 03:49:53 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
TOTAL: 30

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T BANK
15203578 Mortgage
15203583 Vehicle loan
15203584 Vehicle loan
15203554* +Capital One, Po Box 30281, Salt Lake City, UT 84130-0281
15203556* +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15203557* +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
TOTALS: 4, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 27, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 25, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor M&T BANK bkgroup@kmllawgroup.com
Kenneth M. Steinberg on behalf of Joint Debtor Lynelle R. Nowakowski
julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com
Kenneth M. Steinberg on behalf of Debtor Brian Nowakowski julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecoeur cmecf@chapter13trusteewdpa.com

TOTAL: 5